

REMARKS

In the Office Action¹, the Examiner rejected claims 2 and 4-9 under 35 U.S.C. §103(a) as being unpatentable over *Satsukawa et al.* (US 6,379,249, "Satsukawa") and *Kami et al.* (US 5,853,324, "Kami"), and further in view of *Farkas* (Diablo II Ultimate Strategy Guide, Farkas). Claims 7 and 8 have been amended. Claims 2 and 4-9 remain pending.

I. Regarding the rejection of claims 2 and 4-9 under 35 U.S.C. § 103(a) as being unpatentable over Satsukawa and Kami in view of Farkas

Applicant respectfully traverses the Examiner's rejection of claims 2 and 4-9 under 35 U.S.C. § 103(a) as being unpatentable over *Satsukawa* and *Kami* in view of *Farkas*. A *prima facie* case of obviousness has not been established with respect to these claims.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "In determining the differences between the prior art and the claims, the question under

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphasis in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquires . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2143.01(II). "Office personal must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2143.01(III).

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2 and 4-9 under 35 U.S.C. § 103(a) because a *prima facie* case of obviousness has not been established with respect to these claims. The differences between the claimed invention and the prior art have not been properly ascertained. Accordingly, no proper reason has been articulated as to why said differences would have been obvious to one skilled in the art at the time of invention.

Claim 7 recites a computer program product including, for example:

(c) displaying circumstances in the virtual space viewed from the virtual viewpoint on the screen where the enemy-character is located based on the changed time scale

step (c) further comprises changing the display speed of the player in response to the player input operation, causing the player speed to be faster than the speed of the enemy-character and the speed of each one of the bullets fired from the enemy-character

(emphasis added). Satsukawa discloses an image generation device and information storage medium including, for example "[a]t that point, a game sound

"Action!" is heard and a gun battle starts. The 1P and 2P players 20-1 and 20-2 aim and shoot at the target objects 50-1 and 50-2 with the respective handgun-shaped controllers 22-1 and 22-2." (col. 8, lines 26-29). The visual effect request disclosed in Satsukawa selects whether to make a player-character stand-up or duck-down using a foot pedal. Therefore, the image generation device in Satsukawa does not teach, suggest, or make obvious the claimed combination of elements including, for example, "changing the display speed of the player in response to the player input operation so as to cause the player speed to be faster than the speed of the enemy-character and the speed of each one of the bullets fired from the enemy-character," as recited in claim 7.

The Examiner correctly states that "Satsukawa is silent with respect to the specific teachings of a running time limit or remaining time in proportion to the elapsed time to change such things as the display speed of the enemy-character and other attributes of the game" (Office Action at page 3). However, the Examiner alleges that *Kami* teaches these elements. This is not correct.

Kami fails to disclose at least "changing the display speed of the player in response to the player input operation so as to cause the player speed to be faster than the speed of the enemy-character and the speed of each one of the bullets fired from the enemy-character" as recited in claim 7. *Kami* discloses a shooting game machine including, for example "[t]he remaining time 380 reduces in real time with progress of the game. As the remaining time 380 reaches zero, the game is terminated." (col. 7, lines 13-14). Therefore, *Kami* does not teach, suggest, or make obvious the claimed combination of elements including, for example, "changing the display speed of the

player in response to the player input operation so as to cause the player speed to be faster than the speed of the enemy-character and the speed of each one of the bullets fired from the enemy-character,” as recited in claim 7.

The Examiner correctly states *Satsukawa* and *Kami* fail to teach “a display speed of at least the enemy-character and each one of the bullets fired from the enemy-character become slower when the visual effect request.” (Office Action at page 3). However, the Examiner alleges that *Farkas* teaches these elements. This is not correct.

Farkas fails to disclose “the display speed responding to an input operation of the player being relatively faster than the enemy-character and each one of the bullets fired from the enemy-character” as recited in claim 7. *Farkas* discloses “mak[ing] the motion of the enemy-character slower after an attack.” (FROST NOVA, p. 73). *Farkas* teaches an elapsed time is doubled by a predetermined attack (icy shockwave) and the motion of an enemy-character is made slower. *Farkas* discloses making the motion of the enemy-character slower which fails to meet the limitations of the claims in the present application. Specifically, in *Farkas*, the motion of the enemy-character is made slower by an attack from a ‘player-character’. In contrast, claim 7 recites that “the display speed responding to an input operation of the player being relatively faster than the enemy-character and each one of the bullets fired from the enemy-character.”

Farkas fails to teach at least this claim element.

In view of the mischaracterization of the prior art, as set forth above, the scope and content of the prior art has not been properly determined, nor have the differences between the prior art and the claims been properly ascertained. Accordingly, no reason has been articulated as to why one of ordinary skill in the art would find it obvious to

achieve the claimed combinations, having only the benefit of the prior art. Therefore, no *prima facie* case of obvious has been established and the rejection of claims 2 and 4-9 under 35 U.S.C. § 103 must be withdrawn.

Further, Applicant submits that in the present invention a limitation is set in the executable time for the time scale change. However, even if the executable time for the time scale change is used up, the executable time can be recovered by playing with a normal time scale for a certain period of time (claim 7) or by successfully shooting the enemy-character (claim 8). This arrangement prevents the game from being less interesting due to the introduction of the feature in which the time scale can be changed. This effect and advantage in the present invention is not obvious to a person skilled in the art in view of *Satsukawa, Kami and Farkas*.

Further, Applicant submits elements (a) and (b) of claim 7 as amended make clear that the “visual effect request” in the current claim is a request for changing a time scale. The amended claims clearly distinguish the present invention from *Satsukawa*, because the visual effect request disclosed in *Satsukawa* is made to select whether to make a player-character stand up or duck down using a foot pedal.

Applicant submits elements (f)-(l) of claim 7 as amended clearly state the remaining time indicates the executable time of the time scale change. Accordingly, the “remaining time” is not just the “remaining time” for the game, this clearly differentiates the claims from *Satsukawa, Kami and Farkas*.

Element (l) of claim 7, as amended, recites “changing the display speed of the player in response to the player input operation so as to cause the player speed to be faster than the speed of the enemy-character and the speed of each one of the bullets

fired from the enemy-character." Applicant therefore submits, the amended claims clearly state the display speed responds to the input operation of the player, becoming relatively faster than the display speed of an enemy-character.

Applicant further submits that in the present invention, the motion of an enemy-character or the like is made slower in accordance with the input of a visual effect request for the convenience of a player attacking the enemy-character — the player can attack the enemy-character whose motion has been made slower. In other words, the processing in *Farkas* "make[s] the motion of the enemy-character slower after an attack," while the processing in the present invention "make[s] the motion of the enemy-character slower after the visual effect request is input and then the player makes an attack." The claims, as amended, thus clearly distinguish over *Farkas*.

In embodiments consistent with the present invention, since the display speed responding to the input operation of the player becomes relatively faster than the display speed of the enemy-character or the like, the player can attack the enemy-character or avoid an attack from the enemy-character more easily. Such an effect and an advantage cannot be provided by *Farkas*. In addition, embodiments consistent with the present invention, since unlimited executable time for the time scale change will make the game less exciting, a limitation is set in the executable time for the time scale change. However, even if the executable time for the time scale change is used up, the executable time can be recovered by playing with a normal time scale for a certain period of time (claim 7) or by successfully shooting the enemy-character (claim 8). This arrangement prevents the game from being less interesting due to the introduction of the feature in which the time scale can be changed. This effect and advantage

establish that amended claim 7 is not obvious to a person skilled in the art even in view of *Satsukawa, Kami and Farkas*.

Claims 2 and 4-6 are also allowable at least due to their depending from claim 7.

Independent claim 8, while of different scope from claim 7, recites elements similar to those of claim 7 and is thus also allowable over *Satsukawa, Kami, and Farkas* for reasons similar to those discussed above for claim 7.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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